

REMARKS

Figures 1, 2A and 3 are amended to show "Prior Art." The amended drawings are attached as replacement sheets. Formal drawings are submitted for Figures 1, 2A, 2B, 3, 4, 5, and 6, submitted as sheets 1/4 to 4/4.

A substitute abstract is submitted which removes terms such as "means" and "invention".

Rejection Under 35 USC 112

Claims 5 and 11-15 are rejected as indefinite for failing to distinctly claim the subject matter. Claims 5 is amended to more distinctly refer to the antecedent basis for "task" in step a2. Claims 11-15 are amended to depend upon claim 10 instead of claim 6.

Regarding claim 15, the power up step involving the settop box is described in the specification on page 2, lines 22-23. Therefore, claim 15 has support in the specification for a settop box as the "device" with self diagnostic means.

Rejection Under 35 USC 103

Claims 1-4 and 7-10 are rejected as being unpatentable over U.S. Pat. No. 6,629,071 (Mann) in view of U.S. Pat. No. 5,521,958 (Selig et al.). The Applicant respectfully disagrees.

Mann discloses a speech recognition method and apparatus which can be used for voice processing systems, such as voice mail and voice response units, particularly useful when the user is unable to provide DTMF inputs. As the Examiner notes, Mann fails to disclose or suggest self diagnostic task. Furthermore, Mann fails to disclose or suggest applying voice recognition for a diagnostic tool in a broadband communication system. Rather, Mann only discloses a method and apparatus in relation to a telephony environment.

Selig discloses a portable test system for a field technician performing telephone line troubleshooting. The disclosed system allows a field technician to request a communication line test. The central office has a line conditioning device (22) which performs the testing as requested by the technician's hand held computer (16). Thus, the portable test system (16) can only operate in tandem with the central office (26). There is no suggestion of a self diagnostic communication device being tested, invoked by voice, as claimed in claims 1-15. Support of this claimed self diagnostic feature is found in the specification (page 5, lines 19-20): "microprocessor 22" (as shown in Figure 4) "will oversee all diagnostic testing" within the communication gateway. Another distinction is that Selig discloses a test system for line testing, and not for testing a communication device, as claimed. The test head (10) disclosed in Selig is a testing tool used to communicate with the central office, but it is not the subject device being diagnosed for trouble.

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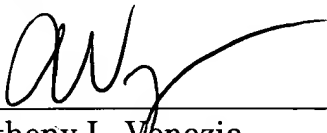
Because Mann and Selig each fail to disclose or suggest invoking or performing a self diagnostic task, the combination of Mann and Selig do not anticipate claims 1-4 and 7-10. Dependent claims 5, 6, and 11-15 are allowable on the merits of the independent claims from which they depend.

The Applicant also requests that the Examiner consider the foreign patent documents (AC, AD) as listed on the PTO-1449 form submitted with the IDS filed October 14, 2002, a copy of which is enclosed for convenience. The Applicant further requests that an initialized copy be returned.

For the above reasons, Applicant respectfully submits that the presently claimed invention is patentable over the prior art. Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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